

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. James Kermitt Hardy

Docket No. 5:08-CR-187-1BO

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Kermitt Hardy, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 10, 2009, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

James Kermitt Hardy was released from custody on June 12, 2009, at which time the term of supervised release commenced. On October 28, 2009, the conditions of supervised release were modified to include mental health treatment. Due to illicit marijuana use, the conditions of supervised release were modified to include drug aftercare treatment on November 9, 2011.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant was scheduled to begin outpatient substance abuse counseling on November 19, 2011, with Integrated Behavioral Healthcare Services. However, he failed to show for the scheduled appointment. He failed to report for drug testing as required by the Surprise Urinalysis Program on November 30, 2011; December 13, 2011; December 21, 2011; and January 12, 2012. Additionally, Hardy has failed to keep the probation officer apprized of his residential status. He reported to the probation office on January 25, 2012, and submitted a urine specimen which was negative. He reported for his substance abuse treatment appointment this date as scheduled. In an effort to ensure a stable residence as well as a punitive sanction for his non-compliance, it is respectfully recommended that his conditions of release be modified to include home detention with electronic monitoring for a period not to exceed 180 days. Given his financial status, it is recommended that the government be responsible for payment of those services.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education,

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religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling

Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: January 26, 2012

ORDER OF COURT

Considered and ordered this 26 day of January, 2012, and ordered filed and made a part of the records in the above case

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge